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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

GABRIEL MICHAEL EDWARDS

CIVIL ACTION NO. 13-2416

VERSUS

JUDGE TRIMBLE

DARRELL TURNER

MAGISTRATE JUDGE KIRK

ORDER

Before the court is Plaintiff's appeal of the ruling of the Magistrate Judge denying his prior motion for appointment of counsel to represent him in the above-captioned suit.¹ The Magistrate Judge denied Plaintiff's motion based upon a finding that the case presents no "exceptional circumstances" which would warrant the appointment of counsel.²

The law in the Fifth Circuit is settled that, "[g]enerally speaking, no right to counsel exists in Section 1983 cases." Jackson v. Cain, 864 F.2d 1235, 1242 (5th Cir. 1989).

Appointment of counsel in such actions is authorized only in "exceptional circumstances."

Archie v. Christian, 812 F.2d 250, 253 (5th Cir. 1987). In Robbins v. Maggio, 750 F.2d 405, 412

(5th Cir. 1985), the court stated that while no comprehensive definition of "exceptional circumstances" has been crafted, the quality of the case and the abilities of the individual bringing it will help determine whether such circumstances are present.

The court has reviewed the entire record in this matter and agrees with the conclusion of the Magistrate Judge. While, as with nearly all civil rights cases filed by inmates, Plaintiff is

¹ R. 30.

² R. 28.

not a trained attorney, his case does not present uniquely complex issues, nor is there any evidence in his filings before this court that he cannot adequately communicate on his own behalf. If Plaintiff is able to find inmate counsel to assist him, the court will allow the Plaintiff to have inmate counsel with him during the duration of the trial. If Plaintiff is unable to resolve any critical discovery issue, Plaintiff may file a motion for a telephone discovery conference before the Magistrate Judge in order to quickly and efficiently resolve any such issue.

Accordingly, it is hereby

ORDERED that Plaintiff's appeal of the Magistrate Judge's order denying appointment of counsel in this matter is **DENIED**.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana this 25th day of November, 2014.


JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE